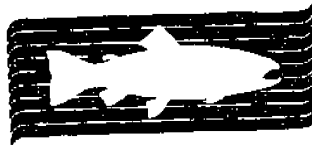
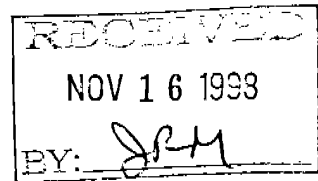


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CALIFORNIA TROUT



KEEPER OF THE STREAMS



Bruce Halstead, US Fish & Wildlife Service
1125 16th Street, Room 209
Arcata, CA 95521

Re: Permit numbers PRT-828950 and 1157

Fax (707) 822-8411

And also to:

John Munn
California Department of Forestry
1416 Ninth Street
Sacramento, CA 95814

Re: SYP 96-002

Fax (916) 653-8957

Dear Sirs,

The purpose of this letter is to provide your agencies with comments on the Pacific Lumber Company Habitat Conservation Plan/Sustained Yield Plan (HCP/SYP). The comments should also be considered during the EIS/EIR analysis for the Headwaters Forest Acquisition and the PALCO SYP/HCP.

California Trout, Inc. ("CalTrout") is a non-profit corporation organized under the laws of the State of California. CalTrout, founded in 1971, is a statewide conservation organization supported by over 5,000 individual members and fifty affiliated clubs representing additional 5,000 persons. The purposes of CalTrout are:

"To protect and restore wild trout, native steelhead and the waters that nurture them and to create high quality angling opportunities for the public to enjoy."

Members of CalTrout rely upon clean and healthy streams in California to provide proper functioning habitat in order for our salmon, steelhead and trout resources to flourish. Your agencies are responsible for protecting these public trust resources by regulating activities that may impact them. We sincerely hope your agencies thoroughly review all public comments on these issues and formulate supporting documents that will adequately protect the public's resources.

Our comments for specific sections of the HCP/SYP and EIS/EIR are attached. Thank you for the opportunity to provide these comments. We are available to consult with your agencies during the review of this subject, as well as to assist in any future planning efforts

Sincerely,

Thomas J. Weseloh, Northcoast Manager

PL HCP Comments**Page One**

These are my comments for the specific Sections of the HCP that I have reviewed. These sections include:

THE AQUATIC PLAN

Section 1.1.5. pgs. 14-20

Section 1.1.6. pgs. 20-25

Section 1.2.5. pgs. 42-43

Section 1.2.6. pgs. 43-45

Section 1.3.4. pgs. 81-82

Section 1.3.5. pgs. 82

MAPS

Fish Distribution – Map 16

Stream Monitoring Stations and CDFG Assessed Streams – Map 17

Fish Habitat Enhancement Projects – Map 18

I hope these comments are helpful and productive.

THE AQUATIC PLAN

NOTE: *italics* were added to emphasize ambiguous wording

Section 1.1.5. Instream Habitat Improvement (pgs. 14-20)

The stated program goal is "the protection, restoration, and enhancement of anadromous fishery resources". Instream habitat improvement may "restore and enhance" but does not "protect". Land use management will "protect" and can "restore" fishery resources if done appropriately.

Habitat improvement should be encouraged when necessary. Instream habitat improvement should not be used as mitigation for future impacts from land use management. It should only be applied when addressing problems associated with past impacts from improper land use. Future land use activities should be protective enough of fishery resources as to not require any instream restoration, especially as mitigation.

CT-
1

Habitat Inventories

"PL is *currently developing* a research program to determine the effectiveness of instream habitat improvement structures that have been installed" (pg. 14). What is it? There are no specifics or commitment. What? When? Where? How? These questions must be addressed.

CT-
2

Biological Inventories

Once again this illustrates a lack of specifics and commitment on PL's part. PL acknowledges that all prior biological inventories were performed by CDF&G personnel. PL uses many phrases that are non-committal such as: "PL is *currently developing* a program to collect its own data on fish and

CT-
3

PL HCP Comments

Page Two

amphibian abundance", "Fish distribution studies are *expected* to be part of both watershed analysis and monitoring studies that PL will conduct (see Sections 1.2.9 and 2.2)" and, "PL *expects* to use a three-pass electrofishing method." These wiggle words must be replaced by "*shall*" or "*will*". The program goals, objectives and timelines must be clearly stated if they are to be meaningful and accomplishments can be measured.

CT-
3
con.**Project Planning**

All CDF&G reports provide a list of recommendations for stream enhancement projects. Have they all been followed and/or achieved? These reports should be reviewed and recommendations that are still valid should be carried out.

CT-
4**Monitoring and Evaluation**

"PL *intends* to begin performing such surveys, and to compare fish abundance by species with abundances in similar areas without artificial structures. This work is *expected* to begin this summer and to continue for *several years*".

CT-
5

"PL also *intends* to continue its cooperative instream habitat enhancement program with CDF&G. In addition, PL *may* expand its restoration activities". All the words in italics need to be changed to "*shall*" or "*will*".

"Future projects will *likely* include the stabilization of stream banks..."

"All of these operations are *expected* to result in improved habitat for salmon, steelhead and other aquatic organisms and therefore, *should* result in increases in abundance of these taxa".

What will PL do if the "*expected*" result does not occur?

All work, not the "*majority*" should be completed between May 1st and October 31st. Rare exceptions could include the planting of vegetation. They cite July 1st as a start date under Section 1.2.5.. These conflicting dates need to be clarified and firm dates should be set.

"Restoring" and "improving" habitat imply that there is a need to do so under current and past management activities. The responsible agencies need to promote management strategies that prevent the need to "restore" and "improve". When restoration for past problems is needed the responsible agencies should ensure that it is done by the landowner in a timely and appropriate fashion.

"PL and CDF&G's ongoing stream monitoring programs will provide ongoing data on the effectiveness and impacts of instream work". This can not be done without taking into account what land use practices are occurring and how they are influencing the geomorphology and hydrology of the watershed. A structure can not scour a hole if the stream is overwhelmed with sediment. PL and CDF&G monitoring does not address this issue in this section.

PL HCP Comments

Page Three

Section 1.1.6. Fish Rearing Facilities pgs. 20-25

Fish rearing should only occur if habitat is underseeded with juveniles and improving in quality. Don't waste time and money otherwise.

CT-
6

The HCP should not include "incidental taking of non-targeted, listed species such as coho". PL says this is already "covered" yet they seek "authorization" for incidental take of a listed species associated with the collection and rearing of non-listed species". Are they "covered" or seeking "authorization"? They have a permitting process already in place with NMFS for this issue that is reviewed annually by NMFS and DFG (as stated in Section 1.2.6.). Allowing them to be covered under the HCP may not allow appropriate review during the 50-year period. Leave this component separated from the HCP.

CT-
7

PL "anticipates that its fish rearing program *could* be expanded in the future" but they do not state how or why. If the HCP covers this how will this issue be determined? Leave this separate from the HCP.

CT-
8

Table 3 is incomplete in regards to HFAC hatchery releases. HFAC released fish throughout the 70's and 80's in Freshwater and some in Salmon Creek (1988/89?) as well. HFAC figures since 1994 are not included. There is no evaluation of the effectiveness of these releases (no return or survival rates).

CT-
9

Equipment and methods are standard DFG procedures required for any cooperative fish rearing projects in California. PL has not provided any new or more protective measures.

CT-
10

PL cites many risks associated with fish rearing but does not do a risk vs. benefit analysis. Keep this issue separate from the HCP. It requires more detail than PL provided and should not be a distraction from habitat issues.

CT-
11**Section 1.2.5. HCP Mitigation Measures for Instream Habitat Improvements pgs. 42-43**

The mitigation PL proposes is standard for any DFG contract work. They are probably adequate. The real concern is that instream habitat improvement should be carried out to fix past problems and **NOT** mitigation for future habitat degradation.

CT-
12**Section 1.2.6. HCP Mitigation Measures for Fish Rearing Facilities pgs. 43-45**

Same comments as Section 1.2.5. above.

Section 1.3.4. pgs. 81-82

Two sentences long with "*strongly* positive" and "*greatly* enhanced" results. It seems odd to mitigate for mitigations. There needs to be a monitoring methodology to validate results.

CT-
13**Section 1.3.5. pgs. 82**

Once again there is no clearly stated methodology for monitoring effectiveness. They only cite annual reviews with NMFS and CDF&G.

PL HCP Comments**Page Four****MAPS****Fish Distribution – Map 16**

Some minor errors (i.e. chinook salmon are not present in Graham Gulch – tributary to Freshwater Creek). The map shows presence/absence but not abundance, which is more far important when determining the health of fish stocks.

CT-

14

Stream Monitoring Stations and CDFG Assessed Streams – Map 17

CDF&G has spent lots of public money assessing PL streams. How many recommendations are carried out? How many have been or will be carried out by PL?

CT-

15

Fish Habitat Enhancement Projects – Map 18

Private contractors with public funds installed many projects cited. The map calls these "PL" Fish Habitat Projects. How many has and/or will PL carry out? They note 583 bank stabilization projects. That implies a lot of bank failures needed to be fixed. This implies a wealth of evidence of past failures to manage landscape in ways beneficial to fish.

CT-

16

Overall comments

Instream Habitat Improvement and Fish Rearing may be beneficial in some instances but they should not be used for any future mitigation. Habitat must be adequately protected instead of mitigating for the destruction of habitat with these approaches. An ounce of prevention is better than a pound of cure. The fact that these activities are deemed necessary by PL admits failure to protect habitat in the past.

CT-

17

Their write-ups are weak and use lots of vague adjectives. You could argue a lot over these issues but they should not be the focus of any major complaints over the HCP. Some habitat and rearing projects may be beneficial and necessary for recovery of fish populations. These should be carried out but the emphasis should always be on protection of habitat.